

## REMARKS

Claims 1-5 and 8-10 are currently pending in this application. The Examiner has rejected Claims 1-5 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over the Applicant's Admitted Prior Art (*AAPA*) in view of *Schroderus et al.* (WO 99/62283).

With regard to the rejection of independent Claims 1, 5, 8, and 10 the Examiner asserts that the *AAPA* teaches all the recitations of these claims, except for assigning to the mobile station a traffic channel by the searched base station using a physical channel used for data transmission, which the Examiner asserts is taught in *Schroderus*.

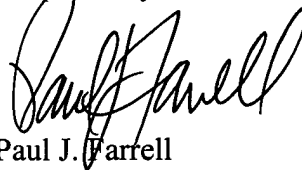
Each of independent Claims 1, 5, 8, and 10 has been amended to recite "determining if a recovered fundamental channel and the assigned traffic channel are available". It is respectfully submitted that the *AAPA* does not teach "determining if a recovered fundamental channel and the assigned traffic channel are available". That is, the *AAPA* makes no teaching of determining which of the channels is first available. *Schroderus* does not cure this defect.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5, 8, and 10 is respectfully requested.

Independent Claims 1, 5, 8 and 10 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4 and 9, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4 and 9 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5 and 8-10 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd  
Uniondale, New York 11553  
Tel. (516) 228-8484  
Fax: (516) 228-8516